Previous references.

V
1903-04
(police)

File No. 44 of 03-04

Serial Nos. 1 to 5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 5

Part B. for

SUBJECT.

Arrest by the Mysore police in the British Territories under warrants issued by the State Magistrates, illegal.

From the First Assistant Resident (J 1504)
No 1480 Dated 28 3 04

Forwards copy of Anantharpur Dist Magte no. 155 dated 12-3-04, stating that the procedure adopted by H.C. Rama Swamy of the Mysore police in arresting a person at Penukonda, under a warrant issued by a Mysore Magistrate is illegal, for favour of remarks

To the Dist Magte Kolar
No 2198 Dated 15 4 04

Forwards extract of para 2 of Anantharpur D.O. his letter no. 15 R.S. 58 dated 13 3 04 to the Hon'ble Resident and asks for a full report of the circumstances under which the arrest was made

addressed instructions for the prevention of Constables of the Mysore State entering British Districts with warrants issue the State Magistracy to arrest persons named therein.

From The Dist Magistrate Kolar (J 1692,
No. C 1614 Dated 8.5.06

Forwards two a copy of the Report of the 'A' Division Inspector of Kolar Gold Fields Dated 25.4.06 & the explana of Raina Swamy with a report of the circumstances under which the arrest was made and states that the conduct of the police officers will be noticed

To The First Assistant Resident
No. 2150 Dated 18.5.06

States with reference to Cercai no:1 that a general order has been issued to the I.G. of police and Dist Magts in the matter, and observes that suitable notice of the H.E. Cons. Council will be taken

Cercai 1 to 5 B

Office of the ~~Dewan of Mysore.~~ G.th Secretariat

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch Judicial

Subject Illegal proceedings of Head Constable Ramaswamy of the Kolar Gold Fields in the matter of the arrest at Goody of one Venkatachellum alias Subramaniam under a warrant issued by the 1st class Magte, Kolar Gold Fields

Letter No C.1614 dated 8th May 1904 from the Dt Magte of Kolar Submitting a report in connection with the — — — — —.

With his endorsement No 1480 dated the 23rd March 1904 the F.A. Resident forwarded for favour of remarks, a copy of a letter from the Dt Magte of Anantapur bringing to notice the illegal proceedings of Head Constable Ramaswamy of the Kolar Gold Fields in arresting at Goody, an accused person named Venkatachellum alias Subramaniyam on the strength of a warrant issued by the 1st Class Magte of Kolar Gold Fields.

The Dt Magte of Kolar who was called upon to submit a full report of the circumstances under which the arrest complained was made, forwards copies of reports of the A. Dy Inspector K. G. F. and the Statement of Head Constable Ramaswamy.

It will be seen therefrom that

the Head Constable hearing met the accused in the Bazaar of Goody and there being no local Constable near at hand, he himself took the accused to the Police Station and requested the Station-house Officer there to place the accused under arrest, which he did and subsequently the usual arrest report to the Magte.

The Dt Magte is of opinion that the action of the Head Constable Ramaswamy in taking upon himself the responsibility of bringing the accused to the Police Station at Gutty technically amounts to an arrest of the accused by him. He states that for his illegal procedure in the present case, he shall in communication with the Dt Supt of Police take such notice of his conduct as may serve as a fitting punishment to him & as a caution to the Dhoobans of the force.

Submitted for orders with a draft letter to the Residency.

Have perused the Dt Magte's letter & the connected papers.

11/5/04

It seems to me that the HC Constable concerned was quite natural & excusable though perhaps strictly speaking, irregular—

[illegible] recommends the accused, who is known of the Agency's arrival; no British constable is present; and, with the knowledge that if he did not himself take the man in charge the [illegible] would escape, he detains him & produces him before the State Assistant for trial. In these circs, the H.C. constable's conduct does not, it seems to me, require any severe notice.

A copy to the Residency Agency

Sec[y]

11.5.04

Submitted to the Dewan with a draft 12/5/04

17685
12.5.04.

Submitted with a draft
to the Dewan
through the 1st Councillor

Upon receipt of the
Kolar D/Comrs reply, a draft
to the Residency will be submitted.

6/4/04

997
6-4-04.

I agree to the
issue of the draft pro-
-posed. We explana-
-tion demanded
& Check to be called for
from the Dy of Police
instead of from the
District Magte. So
the latter knows a
copy may be sent if
necessary.

7-4-04

Submitted to the Dewan

7/4/04

1707
8.4.04

Bangalore
17th May 1904

Dear Mr. Williamson Chetty

With reference to your letter No C 1614 dated the 8th May 1904, regarding head Constable Ramaswamy's action in arresting an accused person at Yesty, I am directed by the Dewan to inform you that as the irregular act in question was under the circumstances reported and venial and not unnatural one the corrective punishment which you propose to inflict would only be a slight one.

Yours sincerely

(Sd) K.S. Chandrasekhariya

File no 1660/03-04 (1) Sec 1

Rec'd 23/3/04 167/4 J 1504 pol 1519

Letter No. 155, dated the 13th March 1904, from the District Magistrate, Anantapur, to the Hon'ble the British Resident in Mysore, Bangalore.

I have the honour to state that it appears to be a common practice for constables of the Mysore State to come into this district with warrants issued by Magistrates of Mysore State to arrest the persons named in the warrants. As such procedure is illegal and objectionable, I would suggest that the attention of the Mysore Durbar be drawn to the matter.

2. I enclose a warrant issued for the arrest of one Venkatachalam alias Subramanian, by the 1st Class Magistrate, Kolar. The accused was arrested by Mysore Head Constable Ramaswamy at Gooty on the 8th instant under this warrant. I have ordered his release but have informed the Sub Magistrate of Gooty that he can proceed under Section 15 of Act XXI of 1879.

The Mysore Resident's Office,

No. 1480 Encls

Bangalore, 23rd March 1904.

Copy of the foregoing letter, together with its enclosure, is forwarded to the Government of His Highness the Maharaja of Mysore for favour of remarks.

First Assistant Resident.

d/23/3 WLS

a/c sent 27.III.04

File no 4468/04
Sec 2

Bangalore 21st
Here enter

(2)

Extract of para 2 of letter No 155 dated the 13th March 1904 from the Dy Magte, Chantag

To the Hon'ble the Resident in Mysore

Copy of the foregoing extract with its enclosure in original is forwarded to the Dy Magte of Kolar for a very early and full report of the circumstances under which the Head Constable therein referred to, resorted to the illegal and objectionable procedure of making an arrest in British territory on the mere strength of a warrant from the First class Magte, Kolar Gold Fields

Off. Secretary

2198 15/4/04

Ll 7/4/04

Urgently & officially

Urgently & officially

Urgently & officially

Extract of para 2
of letter No 155 dated
the 17th March 1904
from the Dt Magte
Anantapur Dt. to the
Hon'ble the Resident
in Mysore.

Copy of the fore-
-going extract with
its enclosure in original
is forwarded to the
Dt Magte of Kolar
for a very early ~~submission~~ full report
~~submission~~ of the circumstances
~~tion of~~ under which the Head Con-
-stable therein referred to
~~arrested~~ illegal and ob-
-jectionable ~~proceedings~~ procedure
~~brought to notice~~ in
~~of arresting~~ making an arrest
in British territory on the Mysore Kingdom
of a warrant from
the District Supdt, Kolar Dist.

By order

Secretary

File no. 4 & Mj 0304
Sl 3

Order

Instances have come to the notice of Govt in which Constables of the Mysore State have gone to British Districts with warrants issued by Magistrates of this State to arrest the persons named in the warrants. As this procedure is illegal and objectionable, the Dt Magistrates are requested to issue needful instructions to the subordinate Police officers and Magistrates, with a view to prevent such irregularities in future.

2189-97 & 15/4/04

To the Magistrates of Dts

To the Chief of Police.

No 416 of 03-04
Sr 4
1903-04.

H692

FROM

H. P. Bu[illegible] the Hy Esquire
Probich Magistrate
Kolar District

To L. Ramaswami Row Esquire
Offg Secry: to the Govt
of Mysore
Gen: & Rev: Depts

Dated 8.
Despatched } May 1904.
Received

General No.
No. C1614

Enclosure No. Two

Reporting on the circumstances
under which Head Constable
Ramaswamy resorted to the
illegal and objectionable
procedure of making an arrest
in British Territory at Gubby.

—"—

(6)

Office of the District Magistrate
Kolar District

Dated 8th May 1904.

From:-

K. P. Puttanna Chetty Esquire
District Magistrate
Kolar District

To-

L. Anantaswami Row Esquire
Offg: Secretary to the Govt:
of Mysore
Genl: & Rev: Departments.

Sir:-

With reference to your memo No 2198/J dated 15.4.04, calling for a full report of the circumstances under which Head Constable Ramaswamy resorted to the illegal and objectionable procedure of making an arrest in British Territory at Gudty on the mere strength of a warrant from the 1st class magistrate, Kolar Gold Fields, I have the honor to forward herewith copies of the report from the "A" Division Inspector of Kolar Gold Fields, and the statement of Head Constable Ramaswamy. It will be seen therefrom that the action of Head Constable Ramaswamy in taking upon himself the responsibility of bringing the accused to the Police Station of Gudty, technically amounts to an arrest of the accused by him and such procedure

has

has been condemned by Government in various instances. The offices of Ramaswamy's status in the Police Force, who has, according to his own statement, been deputed to search for the accused persons in British Territory on several previous occasions, should have executed his duties in an unimpeachable manner for this illegal procedure in the present case, I shall in communication with the District Superintendent of Police take such notice of his conduct as may serve as a fitting punishment to him and as a caution to the others in the force.

* *

There has been some unavoidable delay in giving a prompt reply as this reference, though addressed to me through the Inspector General of Police, was sent out to me direct by that office, but was received by me only on the 2nd instant from the District Superintendent of Police, Kolar Gold Fields, with a letter from him of incomplete enclosures, the reference having been sent to him direct by the Inspector General of Police, for

for enquiry and report through the
Deputy Commissioner."

I have the honor to be
Sir
Your most obedient servant

W. Mallet

District Magistrate
Kolar District

(9

Report of the "A" Division Inspector of Kolar Gold Fields dated 25.4.04.

With reference to the attached re: the arrest of one Soobramaniam at Coorg by N.C. Ramaswamy on the 8th March 1904 I beg to attach the statement of acting H. Ramaswamy and to submit that the Head Constable reported himself at the Coorg Police Station as soon as he arrived and asked assistance from the Station Writer who was the only officer present at the station, and was directed by him to go and find out the whereabouts of the accused and to return for assistance. He accordingly proceeded to the town of Coorg and while moving about the Bazaar street happened to encounter the accused. He thereupon took the accused to the station and requested the Station House officer who was present at the station to place him under arrest.

The Head Constable Ramaswamy is known to the accused and also the purpose of his arrival at Coorg. The Head Constable after having been seen by the accused had no other alternative but to take the

accused

caused to the Station.

The Station House Officer of Gwoty submitted the usual arrest report to the Magistrate.

(Signed) L. Co. O Doherti
Inspector "A" Division

"Copy"

W. H. McClenaghan
District Magistrate
Kolar District

Statement of Ag: Hd Constable Kamasiah
No 22 - Champion Reef Head Station

25th April 1902

I was deputed on special duty
in case No 1242 theft of watches &
portion of the property was recovered
here, but the accused venkatachal
alias Subramanyam and his father
absconded. I had information that
accused had gone to Bangalore
I proceeded to Bangalore with
informant armed with the local
warrant. I was given instructions
by the Division Inspector to first
report my arrival at the re
spective Police Stations and obtain
their assistance, to get the arres
made by the local police. The
was no trace of the accused
at Bangalore. I received
information that the accused
had left Bangalore three
notice before. I accord
proceeded to Coorg and arre

there on the morning of the
7th March 1902 and reported
myself at the Ganty Police
Station. The Station writer was
present. I handed him my pass-
port and the warrant, he
signed my pass-book and
handed them back to me. I
asked him for assistance. He
told me to proceed and obtain
information first as to the exact
whereabouts of the accused, and
then to call for assistance. I
accordingly proceeded to the
town of Ganty and, Mr Clarke
the Bazar Street I happened to
come across the accused Sookra
Maingan. I looked about for
a Police man but not being able
to see one, I took the accused to
the Ganty Station, where I found the
Station House Officer present. I
asked him to show the accused
under arrest, which he did and
submitted the usual
report to the Magistrate. He

following morning the accused was taken before the Magistrate and remanded to custody pending the extradition warrant for his surrender. I returned and reported the matter. The usual application was made for an extradition warrant which was granted and the accused surrendered. On the 10th June he was placed before the 1st class Magistrate Kolar Gold Fields and convicted.

I have been to British Territories on several occasions and arrested persons with the assistance of the British Police, armed with the local warrant, but in this instance I happened to come across the accused and could not but help taking him to the Station.

"Spy" Read over & admitted correct

(Sd) K. Ramaswami

(Sd) K. P. Puttanna Chetty
Dist. Magte.
Kolar Dist

Recorded by me

(Sd) L. E. Cloherty
Inspector "A" Wg.

File No. 44 of 03-04 (14)
S.S.

2450
J 18.5.04

To the First Asst. to the

Resdt. in Mysore.

Sir,

With reference to your Endt. No.1480, d/ the 23rd March 1904, forwarding for remarks copy of a letter from the District Magistrate of Anantapur Dt. regarding irregular arrest of offenders in that district by constables of the Mysore State, I am directed to state as follows:-

2. A general Order has been issued to the Inspector General of Police and to District Magistrates to instruct subordinate Police Officers and Magistrates not to resort to the irregular procedure referred to.

3. As regards the specific instance brought to notice in para 2 of the Anantapur Dt.Magistrate's letter No.155, d/ the 13th March 1904, I am to forward a copy of the explanation furnished by Head Constable Ramaswami referred to therein, from which it will be seen that the Head Constable encountered the accused while moving about the bazaar

street in Gooty, and as there was no British Police officer present on the spot, and as the accused knew of the purpose of the Head Constable's arrival, the latter had no other alternative -- if he was not to allow the accused to abscond under his very eyes -- than to take ~~charge of~~ the accused, himself, ~~and produce him~~ before the Station House officer. The act of Head Constable Ramaswami may be considered technically as an arrest of the accused; but the irregularity seems under the circumstances to have been a venial and not ~~an~~ unnatural one. ~~Suitable~~ Such notice of his conduct, as the occasion calls for will however be taken by the Superintendent of Police and the District Magistrate, Kolar District.

I have, &c.,

16/5/04

16/5/04

Offg Secy.

arrest reports seem to have been sent by the Station Officer of Gooty - the proper Head Constable would moreover appear to have reported his arrival at the Station House and called under whose instructions he acted when he went to work about the accused

13.V.04

18645

I would write Dolley ~~that~~. We should suggest that the consent should be ~~obtained~~ - do

16/5/04

I agree this, & the do. of the Police (Keeping copy)

1903-04

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL

PROCEEDINGS.

Dated 15th April 1904

No. 2189-97
J.

Directing the Inspector General of Police and District Magistrates to issue needful instructions for the prevention of the constables of this State entering British Districts with warrants from the State Magistracy to arrest persons named therein.

Proceedings of the Government of His Highness the Maharaja of Mysore.
Judicial, dated 15th April 1904.

No. 2189-97—J., dated Bangalore, 15th April 1904.

Order.—Instances have come to the notice of Government in which constables of the Mysore State have gone to British Districts with warrants issued by Magistrates of this State, to arrest the persons named in the warrants. As this procedure is illegal and objectionable, the Inspector General of Police and District Magistrates are requested to issue needful instructions to subordinate Police officers and Magistrates, with a view to prevent such irregularities in future.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Inspector General of Police in Mysore.
The Magistrates of Districts.

Exd—C. R.